

1 Brian T. Rekofke
 2 Ross P. White
 3 Witherspoon, Kelley, Davenport & Toole
 4 1100 US Bank Building
 5 422 West Riverside
 6 Spokane, WA 99201
 7 (509) 624-5265

8 Attorneys for The Church of Jesus Christ of
 9 Latter-day Saints and Donald C. Fossum

RECEIVED

MAR 28 2007

WITHERSPOON, KELLEY,
 DAVENPORT, TOOLE, P.S.

7
 8 UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 THOMAS A. WAITE,

11 Plaintiff,

12 vs.

13 THE CHURCH OF JESUS CHRIST
 14 OF LATTER DAY SAINTS d/b/a
 15 CORPORATION OF THE
 16 PRESIDING BISHOP OF THE
 17 CHURCH OF JESUS CHRIST OF
 18 LATTER DAY SAINTS, a Utah
 corporation, d/b/a CORPORATION OF
 THE PRESIDENT OF THE CHURCH
 OF JESUS CHRIST OF LATTER DAY
 SAINTS, a Utah corporation;
 DONALD C. FOSSUM; and STEVEN
 D. BROADHEAD,

19 Defendants.

Case No.: CV-05-399-EFS

20 THE CHURCH OF JESUS
 21 CHRIST OF LATTER DAY
 22 SAINTS AND DONALD C.
 23 FOSSUM'S INTERROGATORIES
 24 AND THIRD REQUESTS FOR
 25 PRODUCTION TO THOMAS A.
 26 WAITE

(INTERROGATORIES 1-5 AND
 REQUEST FOR PRODUCTION NO. 8)

27 AND ANSWERS AND RESPONSES
 28 THERETO

TO: The above-named Plaintiff; and

TO: Richard C. Eymann and Stephen Nordstrom, his attorneys

Pursuant to FRCP 33, defendants The Church of Jesus Christ of Latter-day Saints and Donald C. Fossum herewith submit the following interrogatories to be answered separately and fully under oath within thirty (30) days from the date of service of said interrogatories upon you. In answering the interrogatories, you are required to furnish such information as is available to you, not merely the information which you know of your personal knowledge. This is intended to include any information in the possession of the agent or attorney or investigator for the answering party.

CHURCH AND FOSSUM FIRST INTERROGATORIES
 AND THIRD REQUEST FOR PRODUCTION TO THOMAS WAITE
 & ANSWERS/RESPONSES THERETO - 1

C:\Documents and Settings\Owner\Desktop\My Documents\PI FILES\Waite\US DIST CT PLEADINGS\DISCOVERY\Church & Fossum's IROGS 1-5 & 3rd RPD to Waite, Responses.wpd

51
 WITHERSPOON, KELLEY, DAVENPORT & TOOLE
 A PROFESSIONAL SERVICE CORPORATION
 ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
 422 WEST RIVERSIDE AVENUE
 SPOKANE, WASHINGTON 99201-0302
 (509) 624-5265



Court rules require the answers be preceded by the questions and thus extra copies of these interrogatories are being served upon you in order to expedite the answer thereof. You may type your answers immediately after the question and thus avoid retying the question.

THESE INTERROGATORIES ARE CONTINUING IN NATURE AND DEFENDANTS THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS AND DONALD C. FOSSUM HEREBY REQUEST THAT ANY INFORMATION COMING INTO THE POSSESSION OF PLAINTIFF OR PLAINTIFFS' COUNSEL THAT WOULD CHANGE THE ANSWER IN ANY WAY BE PROMPTLY FURNISHED TO DEFENDANTS THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS' AND DONALD C. FOSSUM'S COUNSEL, IN ANY EVEN NO LATER THAN THIRTY (30) days after receipt of such information.

INTERROGATORIES

INTERROGATORY NO.1: Identify each individual affiliated with the Church of Jesus Christ of Latter-day Saints who has been contacted and interviewed, or who has attempted to be contacted by Stephen Nordstrom.

By "affiliated" defendants seek the identity of each Mission President, each Assistant to the President, and each current or former Missionary.

ANSWER:

OBJECTION. Attorney work product. Without waiving objection, Mr. Nordstrom's office has been in direct contact with Mark T. Ryan, James T. Ross, and Dillon Hansen. Information, statements or declarations from each have previously been provided to defendants.

STEPHEN L. NORDSTROM

CHURCH AND FOSSUM FIRST INTERROGATORIES
AND THIRD REQUEST FOR PRODUCTION TO THOMAS WAITE
& ANSWERS/RESPONSES THERETO - 2

C:\Documents and Settings\Julie\Desktop\My Documents\PI FILES\SLN-Waite\US DIST CT PLEADINGS\DISCOVERY\Church & Fossum's IROGS 1-5 & 3rd RPD to Waite, Respondent.wrd

WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
422 WEST RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201-0302
(509) 674-5765

1 **INTERROGATORY NO. 2:** Identify the date and location for each
 2 contact.

3 **ANSWER:**

5 See answer to Interrogatory No. 1.

7 **INTERROGATORY NO. 3:** Identify the topic or topics of conversation
 8 for each contact.

9 **ANSWER:**

11 See answer to Interrogatory No. 1.

13 **INTERROGATORY NO. 4:** Identify whether each contact was in person,
 14 by phone, by email, or in writing.

15 **ANSWER:**

17 See answer to Interrogatory No. 1.

19 **INTERROGATORY NO. 5:** Identify by date each document, affidavit,
 20 declaration, file memo or email that was created memorializing each

21 **ANSWER:**

23 See answer to Interrogatory No. 1.

27 CHURCH AND FOSSUM FIRST INTERROGATORIES
 AND THIRD REQUEST FOR PRODUCTION TO THOMAS WAITE
 & ANSWERS/RESPONSES THERETO - 3

28 C:\Documents and Settings\Julie\Desktop\My Documents\PI FILES\SLN-Waite\US DIST CT PLEADINGS\DISCOVERY\Church & Fossum's IROGS 1-5 & 3rd RPD to Waite,
 Responses.wpd

WITHERSPOON, KELLEY, DAVENPORT & TOOLE
 A PROFESSIONAL SERVICE CORPORATION
 ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
 422 WEST RIVERSIDE AVENUE
 SPOKANE, WASHINGTON 99201-0302
 (509) 624-5265

1
2
3 **REQUEST FOR PRODUCTION NO. 8:** Produce each document
4 identified in Interrogatory No. 5.

5 **ANSWER:**

6
7 See answer to Interrogatory No. 1.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 CHURCH AND FOSSUM FIRST INTERROGATORIES
28 AND THIRD REQUEST FOR PRODUCTION TO THOMAS WAITE
& ANSWERS/RESPONSES THERETO - 4

C:\Documents and Settings\Julie\Desktop\My Documents\PI FILES\SLN-Waite\US DIST CT PLEADINGS\DISCOVERY\Church & Fossum's IROGS 1-5 & 3rd RPD to Waite, Responses.wpd

8
WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
422 WEST RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201-0302
(509) 624-5265

CERTIFICATION

The undersigned attorney for Plaintiff has read the foregoing Interrogatories and Third Requests for Production to Plaintiff and answers thereto and they are in compliance with FRCP 26(g). Each objection above, if any, is made by the undersigned.

Date: 3/27/07


Stephen L. Nordstrom, WSBA #11267
Co-Counsel for Plaintiff

CHURCH AND FOSSUM FIRST INTERROGATORIES
AND THIRD REQUEST FOR PRODUCTION TO THOMAS WAITE
& ANSWERS/RESPONSES THERETO - 6

C:\Documents and Settings\Julie\Desktop\My Documents\PI FILES\SLN-Waite\US DIST CT PLEADINGS\DISCOVERY\Church & Fossum's IROGS 1-5 & 3rd RPD to Waite, Responses.wpd

WITHERSPOON, KELLEY, DAVENPORT & TOOLE
A PROFESSIONAL SERVICE CORPORATION
ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
422 WEST RIVERSIDE AVENUE
SPOKANE, WASHINGTON 99201-0302
(509) 624-5265

9

CERTIFICATE OF SERVICE

I certify that on the 27th day of March, 2007, I caused to be served via hand delivery/messenger service the original and two (2) true and correct copies of the foregoing document on the following:

Brian T. Rekofke
 Witherspoon Kelley Davenport & Toole
 1100 U.S. Bank Building
 422 W Riverside Avenue
 Spokane, WA 99201

and on said date I caused to be served via hand delivery/messenger service a true and correct copy of the aforesaid document on the following counsel:

Andrew C. Smythe
 Paine Hamblen Coffin Brooke & Miller
 717 W Sprague Avenue, Suite 1200
 Spokane, WA 99201



CHURCH AND FOSSUM FIRST INTERROGATORIES
 AND THIRD REQUEST FOR PRODUCTION TO THOMAS WAITE
 & ANSWERS/RESPONSES THERETO - 7

C:\Documents and Settings\Owner\Desktop\My Documents\PI FILES\Waite\US DIST CT PLEADINGS\DISCOVERY\Church & Fossum's IROGS 1-5 & 3rd RPD to Waite, Responses 3-27-07.wpd

WITHERSPOON, KELLEY, DAVENPORT & TOOLE
 A PROFESSIONAL SERVICE CORPORATION
 ATTORNEYS & COUNSELORS

1100 U.S. BANK BUILDING
 422 WEST RIVERSIDE AVENUE
 SPOKANE, WASHINGTON 99201-0302
 (509) 624-5265

10